

REMARKS

Applicant respectfully requests reconsideration of the rejections set forth in the Office Action mailed February 27, 2003. Applicant's remarks concerning the rejections are set forth below.

Claim Rejection Under 35 U.S.C. § 112, first paragraph

In the Office Action, the Examiner rejected claims 14, 25, and 40 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In support of the rejection, the Examiner asserted that the disclosure does not indicate how to calculate an approximately 33% gray background, as set forth in claims 14, 25, and 40.

Applicant strongly disagrees with this rejection. One of ordinary skill in the art, given Applicant's disclosure, would have no difficulty appreciating Applicant's possession of the invention defined by claims 14, 25, and 40. Applicant's disclosure clearly describes the use of a 33% dithered gray background. At page 33, lines 26-30, the disclosure states that "[t]he dithered green background may be set at approximately 25% to 50%. Dithered backgrounds approaching approximately 33% may more closely match the actual midpoint of black to green transition for the display device, and may be preferred for typical display devices."

Moreover, one of ordinary skill in the art would readily understand "how to calculate" an approximately 33% dithered gray background. As is well known to those of ordinary skill in the imaging arts, the term "dither" generally refers to the simulation of gray level by mixing a proportion of "on" pixels with "off" pixels to achieve the appearance of the desired gray level within the dithered region. See, e.g., <http://www.webopedia.com/TERM/D/dithering.html> (copy attached).

Accordingly, at page 34, lines 1-2, the disclosure indicates that "[b]y alternating black and green at an appropriate frequency, a 25%, 33%, or 50% green background can be produced." The disclosure further notes that "[f]or a CRT, turning on or off all of the pixels in a given horizontal line should produce more predictable output from display device to display device than modulating individual pixels to form vertical lines, due to the video bandwidth of the

device." Page 34, lines 2-5. Also, the disclosure points out that "generation of the dithered background by use of alternating horizontal lines is preferred." Page 34, lines 5-7.

Hence, one of ordinary skill in the art would have no difficulty ascertaining Applicant's possession of the claimed invention insofar as turning selected pixels on or off to achieve the appearance of a 33% gray background is concerned. In view of Applicant's disclosure and common knowledge in the imaging arts, one of ordinary skill in the art would understand that different percentages of gray can be achieved by turning selected proportions of pixels on and off. Therefore, Applicant strongly disagrees with the rejection under section 112, first paragraph, and respectfully requests that the Examiner withdraw the rejection.

Claim Rejection Under 35 U.S.C. § 112, second paragraph

In the Office Action, the Examiner rejected claim 42 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner stated that the invention is about color imaging and presentation of color images on display devices and that Applicant is claiming physical data storage and a signal transmitted between computers. Applicant traverses the rejection with respect to claim 42. Applicant's claim 42 does not claim the signal being transmitted between the client and the remote server per se, but claims a computer-readable medium that includes instructions contained in a medium extending between computers. Accordingly, the rejection of claim 42 under 35 U.S.C. § 112 is improper. Applicant requests withdrawal of the rejection of claim 42 under 35 U.S.C. § 112, second paragraph.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-4, 6-11, 13, 18-24, 28-30, 32-37 and 39 under 35 U.S.C. § 102(e) as being anticipated by Yamamoto (US 6,343,147). Applicant respectfully traverses the rejection. Yamamoto fails to disclose not one, but *every single* feature of the claimed invention, and provides no teaching that would have suggested the desirability of modification to include such features. Therefore, Yamamoto does not support a prima facie case of anticipation.

For example, Yamamoto fails to teach or suggest generating a first gray element based on an estimated gamma for a green channel of a display device, and generating a set of red-blue

shifted gray elements that represent shifts in the red channel, blue channel, or a combination of the red and blue channels away from the first gray element, as required by all of the claims pending in the present application. As another example, Yamamoto also lacks any teaching that would have suggested estimating a gray balance of the display device based on user selection of one of the gray elements that appears to most closely blend with a gray background, as set forth in the pending claims.

The Examiner characterized Yamamoto as disclosing a method to adjust a background for a display image by allowing a user to freely set the background color so as to satisfactorily reproduce the color tone of the display image. It is unclear how a teaching of background color adjustment bears any relationship to the requirements of Applicant's claims. The mere adjustment of background colors for a display image, as taught by Yamamoto, does not involve generation of a first gray element based on an estimated gamma for a green channel of a display device, as required by Applicant's claim 1. Nor does background color adjustment, per Yamamoto, involve generation of a set of red-blue shifted gray elements that represent shifts in the red channel, blue channel, or a combination of the red and blue channels away from the first gray element, as set forth in claim 1. Yamamoto simply does not present any such gray elements, nor permit user selection of a gray element that appears to most closely blend with a gray background in order to estimate gray balance. Accordingly, Applicant questions the pertinence of Yamamoto to the claimed invention.

In support of the rejection, the Examiner referred to FIGS. 4-7 of Yamamoto, which depict various aspects of the disclosed technique for setting background color. The Examiner noted that FIG. 4 illustrates a display screen that permits selection of routines for background color setting, automatic setting and RGB setting. In addition, the Examiner cited FIG. 5 as an example of a display screen for setting R, G, and B values of a background color. The Examiner suggested that the display screen of FIG. 5 of Yamamoto allows a user to "estimate gamma for a green or red or blue and for a combination of red and blue channels." Applicant finds no support within Yamamoto for this statement. Yamamoto describes adjusting the gamma of a display device to affect background color, but makes no mention of techniques for estimating an existing gamma, let alone techniques that involve the display and selection of the particular gray elements recited in Applicant's claims.

With respect to FIG. 6, the Examiner stated that Yamamoto describes "a preview process setting to estimate [sic] most closely blend with a gray (combination of white and black) background color." The Examiner also noted that FIG. 7 illustrates a flow chart for setting display conditions of a preview window. It is unclear what aspect of the preview window of FIG. 6 or the flow chart of FIG. 7 would involve generation of a first gray element based on an estimated gamma for a green channel, or generation of a set of red-blue shifted gray elements that represent shifts in the red channel, blue channel, or a combination of the red and blue channels away from the first gray element. Moreover, like FIGS. 4 and 5, FIGS. 6 and 7 do not permit a user to select a gray element that appears to most closely blend with a gray background in order to estimate gray balance. Accordingly, in his analysis of FIG. 6, the Examiner seems to have ignored the particular requirements of Applicant's claims.

Given the Examiner's confusing characterization of the teachings of Yamamoto, Applicant is left to ask: Where does Yamamoto teach generating a first gray element based on an estimated gamma for a green channel of a display device? Where does Yamamoto teach generating a set of red-blue shifted gray elements that represent shifts in the red channel, blue channel, or a combination of the red and blue channels away from the first gray element? And, where does Yamamoto teach estimating a gray balance of the display device based on user selection of one of the gray elements that appears to most closely blend with a gray background? Each of these features is nowhere to be found in Yamamoto. Yamamoto teaches a method for adjusting background color on a display and, insofar as the claimed invention is concerned, nothing more.

Yamamoto fails to disclose all of the limitations set forth in claims 1-4, 6-11, 13, 18-24, 28-30, 32-37 and 39. For these reasons, the Examiner has failed to establish a prima facie case of anticipation of Applicant's claims 1-4, 6-11, 13, 18-24, 28-30, 32-37 and 39 under 35 U.S.C. 102(e). In view of the fundamental shortcomings identified above, Applicant reserves comment concerning the additional limitations expressed in the dependent claims, and do not acquiesce in the Examiner's application of the teachings of Yamamoto to those claims. Withdrawal of this rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 5, 12, 15-17, 26, 27, 31, 38 and 41 under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, and further in view of Kumada et al. (US2001/0043376). Applicant respectfully traverses the rejection.

Applicant first questions the Examiner's rejection of claims 18-24, 28-30, 32-37 under section 102 insofar as they all are dependent on claims 15 and 27, which have been rejected under section 103. If Yamamoto does not anticipate independent claims 15 and 27, then it is unclear how claims dependent on such claims would be anticipated.

In any event, neither Yamamoto nor Kumada et al. discloses or suggests the inventions defined by Applicant's claims 5, 12, 15-17, 26, 27, 31, 38 and 41 and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention. As described above with respect to the rejection of claims 1-4, 6-11, 13, 18-24, 28-30, 32-37 and 39 under section 102, Yamamoto fails to teach or suggest generating a first gray element based on an estimated gamma for a green channel of a display device, and generating a set of red-blue shifted gray elements that represent shifts in the red channel, blue channel, or a combination of the red and blue channels away from the first gray element, as required by all of the claims pending in the present application. Yamamoto also lacks any teaching that would have suggested estimating a gray balance of the display device based on user selection of one of the gray elements that appears to most closely blend with a gray background, as set forth in the pending claims. These features are required by all of claims 5, 12, 15-17, 26, 27, 31, 38 and 41. Kumada et al. provides no teaching sufficient to cure these basic deficiencies in Yamamoto relative to claims 5, 12, 15-17, 26, 27, 31, 38 and 41. Indeed, the Examiner did not cite Kumada et al. for such a teaching.

Yamamoto and Kumada et al. lack any teaching of the further limitations set forth in claims 5, 12, 15-17, 26, 27, 31, 38 and 41. In light of the glaring differences already described above, however, Applicant reserves further comment concerning such additional limitations expressed in the dependent claims, but do not acquiesce in the Examiner's application of the teachings of Yamamoto or Kumada et al. to those claims.

For at least these reasons, the Examiner has failed to establish a prima facie case for obviousness of Applicant's claims 5, 12, 15-17, 26, 27, 31, 38 and 41 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

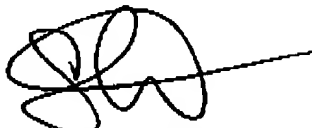
CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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By:

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